

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
Western **DIVISION**

(Write the full name of the plaintiff in this action.
Include prisoner registration number.)

v.

(Write the full name of each defendant. The caption
must include the names of all of the parties.
Fed. R. Civ. P. 10(a). Merely listing one party and
writing "et al." is insufficient. Attach additional
sheets if necessary.)

Case No: _____
(to be assigned by Clerk of District Court)

Plaintiff Requests Trial by Jury

☒ Yes ☐ No

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepayment of fees and costs.

(See Attached)

All IN ORDER...

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

DIVISION

Michael Lee Burgess #533039
Dob [REDACTED]-[REDACTED]-1978 SS# XXX-XX-9300
Moberly Correctional Center
P.O. Box # 7 HUK-200
Moberly, Mo 65270

} Case No.

Petitioner,
VS. "et all"

}
officer Harrison # 22837
officer Peters # 68049
officer Seiter # 8967
officer Jordan # unknown
officer Cecil # unknown
officer Richard sheldon #
officer John Doe # unknown
officer John Doe # unknown
officer John Doe # unknown
Police Department ~~Jefferson~~,
501 FARAON Street
St. Joseph, Mo 64501

Defendants,

Prisoner Cival Rights Complaint under 42
USC & 1983

I. The Parties to this Complaint

A. The Plaintiff

Name: Michael Lee Burgess

Other names you have used: _____

Prisoner Registration Number: 533039

Current Institution: Moberly Correctional Center
P.O. Box #7 H4 1C-200
Moberly, MO 65270

Indicate your prisoner status:

| | |
|---|--|
| <input type="checkbox"/> Pretrial detainee | <input checked="" type="checkbox"/> Convicted and sentenced state prisoner |
| <input type="checkbox"/> Civilly committed detainee | <input type="checkbox"/> Convicted and sentenced federal prisoner |
| <input type="checkbox"/> Immigration detainee | <input type="checkbox"/> Other (explain): _____ |

B. The Defendant(s)

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

Defendant 1

Name: Harrison

Job or Title: Police officer

Badge/Shield Number: 22837

Employer: City of St. Joseph

Address: 501 FARAON Street, St. Joseph, MO 64501

☒ Individual Capacity ☒ Official Capacity

Defendant 2

Name: Peters

Job or Title: Police officer

Badge/Shield Number: 68049

Employer: City of St. Joseph

Address: 501 FARAON Street St. Joseph, MO 64501

☒ Individual Capacity

☒ Official Capacity

II. Statement of Claim

(See Attached)

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

On OR Around September 29, 2020 two St. Joseph Police officers By the Name of John Doe and John Doe Trespassed on Posted Private Property and walked in the Pititioners Home with out a Search warrent and shot the Pititioners Dog in the Head with a tazer while Pititioner was gone fishing. The Pititioners Dog Name of Dieste is a AKC Registered American Bully who Suffered Nuvrillogical Problems and lost His male Parts over illegal Search and Seasures of the Property at 2004 S. 17th Street St. Joseph, MO 64503

(See Attached)

I The Parties to this Complaint

Defendant 3

Seiter

Police officer

8967

City of St. Joseph

501 FARAON Street St. Joseph, MO 64501

X Individual

X official Capacity

Defendant 4

Jordon

Police officer

unknown

City of St. Joseph

501 FARAON Street St. Joseph, MO 64501

X Individual

X official Capacity

Defendants

Cecil

Police officer, City of St. Joseph

unknown

501 FARAON Street St. Joseph, MO 64501

X Individual

X official Capacity

Defendant 6

Richard Shelton, Detective
Police officer

Unknown

City of St. Joseph

501 FARAON Street St. Joseph, MO 64501

X Individual X official Capacity

Defendant 7

John Doe
Police officer

unknown

City of St. Joseph

501 FARAON Street St. Joseph, MO 64501

X Individual X official Capacity

Defendant 8

John Doe
Police officer

unknown

City of St. Joseph

501 FARAON Street St. Joseph, MO 64501

X Individual X official Capacity

Defendant 9
John Doe
Police officer
#unknown
City of St. Joseph
501 FARADAY Street St. Joseph, MO 64501
X Individual X official Capacity

II Statement of Claim

On October 5th 2020 Officer Harrison, Peters, Seiter, Jordan, Cecil Trespassed Posted Private Property at 2004 S. 17th Street St. Joseph, MO 64501 by gaining Access through the Property at a locked Posted Cattle gate and Assaulted the Petitioner while in hand cuffs, while the Petitioner was sick with Covid 19, for a now Violant Charge of Child Support Case No. 17BU-CR00594-CI

Officer Harrison Punched, Kneaded the Petitioner in the Body, legs, head, ribbs.

Officer Peters Punched, Kneeed, Kicked the Pititioner in the Sternum

Officer Seiter Kneed, Punched the Pititioner in the legs and ribbs while officer Jordan and Cecil held a flash light on the Beating while the Neighbor Tonda Cunningham at

(II Statement of Claim)

2006 S, 17th St. Joseph, MO 64503 watched this insodent out of her Bedroom window.

on october 8th 2020, Richard shelton, John Doe officer for Drug strike force, illegally entered the Petitioners Property by gaining access to Posted Private Property by Crossing a Cattle gate that was Posted, Crawled through a window of the Posted Property and removed the Back door of the Home at 2004 S, 17th Street St. Joseph, MO 64503. The Petitioner Ex wife Amy Davidson, Mother Roxanne hiehti, Sister Susan Miller, and The Nieghter Tonda Cunningham watched recorded this insodent on video of The 2 officers illegally entering this Property with out a Search Warrent on Consent from the Petitioner while the Pititioner was in the Coustody of the Buchanan County Sheriffs Department Sick with Covid 19 Virus, unable to recieve proper medical Attention due to the Beating that took Place on october 5th 2020 and being Deathly sick from Covid 19

I sustained Bruising to my face, legs, Ribbs, Back of Head on 10/5/2020, my Dog was shot in the Head by Police officers by Trespassing on Posted Private Property at 2004 S. 7th St. Joseph, Mo 64503. The Beating I took on 10/5/2020 Could of ended in death due to being Sick with the Covid 19 Virus for a non violent Charge of child support

(See Attached)

Pages of Petition to move under rule 42 USC & 1983 (1-25 pages Hand written)

See Hospital Records and Pro Se motions filed in the Circuit Court for injuries Attached...

III. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

I want 2.5 Million dollars from each officer NAMED for Constitutional violations and 5.5 million Dollars for Punitive Damages for the Same...

V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

Buchanan County Jail, I filed Pro Se motions to the Courts See Attached motions

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

ATTACHED Pro Se Motions to the Courts of Buchanan County...

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance? (Attach a copy of your grievance, if available)

I Claimed I was physically Assaulted And Property Damaged and Pets by Police Officers...

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

They gave me 3 yrs in Doc for my response to my claims...

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I Petitioned the Courts of Buchanan County with no relief...

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I'm seeking relief from the Court of Buchanan County through the United States District Court...

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I filed Pro Se, motions to the Courts of Buchanan County...
See Attached Motions

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Hospital Records Attached Personal letters to the Court and motions see Attached...

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

They are Attached...

VI. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible.

NONE

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff NONE

Defendant(s) NONE

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number NONE

4. Name of Judge assigned to your case NONE

5. Approximate date of filing lawsuit NONE

6. Is the case still pending?

☐ Yes

NONE

☐ No (If no, give the approximate date of disposition): _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NONE

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff

NONE

Defendant(s)

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number NONE

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending?

☐ Yes

☒ No (If no, give the approximate date of disposition): NONE

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10th day of October, 2022

Signature of Plaintiff

Michael Lee Burgess